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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/575,396	05/22/2000	Sung Do	310048-499	1898

7590

06/25/2002

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EXAMINER

AHMAD, NASSER

ART UNIT

PAPER NUMBER

1772

DATE MAILED: 06/25/2002

13

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/575,396

Applicant(s)
Do et al.

Examiner
Nasser Ahmad

Art Unit
1772



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Dec 13, 2001 and Feb 28, 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 24-29, 32-37, 39-47, 52-57, 60-66, 68-87, and 126-173 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 142-148 and 150 is/are allowed.
151-173
- 6) ☒ Claim(s) 24-29, 32-37, 39-47, 52-55, 57, 60-66, 68-87, 126-133, 135-141, 149 is/are rejected.
- 7) ☒ Claim(s) 56 and 134 is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 10 6) ☐ Other:

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DETAILED ACTION

1. Claims 24-25, 27-29, 32-37, 39-47, 52-55, 57, 60-66, 68-76, 78-82, 84-87 and newly submitted claims 126-133, 135-141, 152-161 and 167-172 are rejected under 35 USC 102(e) as being anticipated by Gelsinger for reasons of record in paper no. 9, paragraph 4, mailed on December 19, 2001.
2. Claims 24-29, 32-37, 39-47, 52-53, 55, 57, 60-66, 68-87, and newly submitted claims 126-133, 135-141, 152-161 and 167-172 are rejected under 35 USC 102(b) as being anticipated by Chigot for reasons of record in paper no. 9, paragraph 6.
3. Claims 24-29, 32-37, 39-47, 52-53, 55, 57- 60-66, 68-87 and newly submitted claims 126-133, 135, -141 and 152-173 are rejected under 35 USC 103(a) as being unpatentable over ~~Gligot~~^{Chigot} for reasons of record in paper no. 9, paragraph 8.
4. Applicant's arguments filed December 13, 2001 and February 28, 2002 have been fully considered but they are not persuasive. Applicant argues that Gelsinger fails to teach the features of clam 24 that "the liner strip being in a configuration to provide, when removed and separated from the liner body portion, the liner can be manipulated". This is not found to be persuasive because said phrase is directed to an intended future use of the claimed product and is not a positive limitation..

Similarity, claims 44 and 66 are also found to be anticipated by Gelsinger as explained above.

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Contrary to applicants assertion that Gelsinger fails to disclose any liner strip or at least one weakened separation line to define... plurality of aligned face stock labels. This is not deemed to be convincing because Gelsinger does teach a plurality of labels (figure-4) with "at least one facestock separation line" as claimed.

For claim 70, Gelsinger clearly shows (fig-4) that each liner strip is die-cut and separate from the other and adhesive holds the liner strips together as in claim 71. For claim 75, Gelsinger shows the cut portion of the line sheet in figure 2.

As for the design choice provision of a second handle, it is respectfully pointed out to the applicant that if Chigot had expressly suggested for the configuration with said second handle, then Chigot would have anticipated the invention s claimed.

Thus, in the absence of any evidence to the contrary, it remains the Examiner's position that instant claimed invention is anticipated or rendered obvious over the applied prior art of record as discussed above.

5.The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 140 contains the trademark/trade name Mylar. Where a trademark or trade name is used in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of 35 U.S.C. 112, second paragraph. See *Ex parte Simpson*, 218 USPQ 1020 (Bd. App. 1982). The claim scope is uncertain since the trademark or trade name cannot be used properly to identify any particular material or product. A trademark

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or trade name is used to identify a source of goods, and not the goods themselves. Thus, a trademark or trade name does not identify or describe the goods associated with the trademark or trade name. In the present case, the trademark/trade name is used to identify/describe polyethylene terephthalate and, accordingly, the identification/description is indefinite.

7. Claims 56, 134, 142-149 and 150 are free of the prior art uncovered so far for reasons discussed in paper no. 9, paragraph 9.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nasser Ahmad whose telephone number is 308-4424. The examiner can normally be reached on Monday-Thursday from 7:30am to 5:00pm. The examiner can also be reached on alternate .

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon, can be reached on (703) 308-4251. The fax phone number for the organization where this application or proceeding is assigned is 872-9310.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 308-0661.


NASSER AHMAD
PRIMARY EXAMINER

NAhmad:evh

6/14/02